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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,378	12/31/2003	Nir Kol	14413-007001 / 2002P10173	4888
54975 7590 01/28/2008 HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE 11th Floor BOSTON, MA 02116-3889			EXAMINER NGUYEN, VAN KIM T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,378

Applicant(s)

KOL ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date None.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to communications filed on December 31, 2003.

Claims 1-27 are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to system interfacing, classified in class 709, subclass 250.
- II. Claims 18-27, drawn to network architecture, classified in class 709, subclass 249.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because group I directs towards network system interfacing, while group II directs towards network architecture. The subcombination has separate utility such as network system interfacing versus network architecture.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104.

See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Applicant's representative, Brian Colandreo, on November 20, 2007 a provisional election was made without traverse to prosecute the invention of group I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claims fail to fall within a category of invention, i.e., nothing in the disclosure indicates the disclosed limitations, "a system

*a portal, user interface (UI) components, application logic, a repository layer and connectivity layer, an object access layer, and source system" are anything more than **software alone**.*

Since claims 1-17 are directed to software, not a process occurring as a result of executing the software, a machine programmed to execute in accordance with the software nor a manufacture structurally and functionally interconnected with the software in a manner which enables the software to act as a computer component and realize its functionality. It is also clearly not directed to a composition of matter. Therefore, it is non-statutory under 35 USC §101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 5-7, and 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukundan et al (US 6,901,595), hereinafter Mukundan.

Regarding claim 1, Mukundan discloses a system comprising:

a portal connected to user interface (UI) components (e.g., gateway server can be configured as a logical entity that serves as a single entry point for accessing servers for various types of clients such as dedicated web clients 200, mobile web clients 210, web clients, wireless clients 205, and handheld clients, etc; Figure 2, col. 7: lines 1-23);

application logic linking the UI components to a repository layer and connectivity layer through an object access layer (e.g., system server 255 is designed and configured to execute business logic and allow web client to access data from database 290 and file system 295; Figure 2, col. 7: lines 41-46); and

source systems linked to the repository layer and the connectivity layer (e.g., enterprise server 250 and server 255 linked to file system 295 and database 290; Figure 2, col. 6: lines 18-32 and col. 7: lines 41-46).

Regarding claim 2, Mukundan also discloses input/output (I/O) devices linked to the portal (e.g., mobile web clients can interact with other components within the system via the gateway server; Figure 2; col. 7: lines 36-37).

Regarding claims 5-6, Mukundan also discloses the portal is a common interface that receives requests from clients and generates information views (iViews) in response (e.g., a request to navigate to a new view may cause a new set of JSSView 520 to be created to run on the browser, col. 11: lines 1-4).

Regarding claim 7, as shown in Figure 4, Mukundan also discloses the UI component comprises application navigation components; application integration components; and information views (col. 8: line 60 – col. 9: line 44).

Regarding claim 9, Mukundan also discloses the repository layer comprises a data object model; and databases including metadata and data, the data including templates (e.g., database 290 includes predefined data schema, repository objects, users' or customers' data, data including data tables; col. 5: line 32 - col. 6: line 14).

Regarding claim 10, Mukundan also discloses the metadata comprises data pertaining to roles, work sets and personalization information (e.g., predefined data schema such as table objects, index objects, etc., repository objects such as business objects and components, view definition and visibility rules, etc., and users' or customers' data; col. 5: lines 43-51).

Regarding claim 11, Mukundan also discloses the metadata interacts with the object access layer, the connectivity layer and the application logic (e.g., wireless and web clients can access the file system database 295 and file system 290 via the system server; col. 5: lines 51-55 and col. 6: lines 39-32).

Regarding claim 12, Mukundan also discloses the metadata interacts with the templates, the templates providing a format of information according to preset conditions (col. 5: line 56 - col. 6: line 17, and col. 8: lines 19-38).

Regarding claim 13, Mukundan also discloses the templates interact with Web application server (WAS) processes and core restructuring processes (col. 8: lines 19-38).

Regarding claim 14, Mukundan also discloses the databases interact with the source systems through base systems connectors using a markup language (e.g., HTML Popup Dimensions 2160; col. 31: line 64 – col. 32: line 3).

Regarding claim 15, Mukundan also discloses the databases interact with the source systems through base systems connectors using web services (e.g., Business Service 2120; col. 31: line 64 – col. 32: line 3).

Regarding claim 16, Mukundan also discloses the databases interact with the source systems through base systems connectors using TCP/IP (col. 6: lines 37-38).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukundan as applied to claim 1 above, in view of WAP Forum, "Wireless Application Protocol White Paper", June 2000.

Regarding claim 3, Mukundan also discloses the I/O devices are web devices that communicate with the portal using Wireless Application Protocol (col. 7: lines 59-62). However, Mukundan does not explicitly call for Wireless Markup Language (WML).

WAP Forum teaches WML as a markup language for WAP technology, adhering to XML standards (page 10). Thus it would have been obvious for one of ordinary skill in the art at the time the invention was made the I/O web devices are configured to communicate with the portal using WAP and WML in order to comply with the industry standards.

Regarding claim 4, Mukundan-WAP Forum also discloses the I/O devices are Internet browsers that communicate with the portal using HTTP and XML (Mukundan, col. 11: lines 42-46; and WAP Forum, page 14).

9. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukundan, in view of Bazinet et al (US 7,260,617), hereinafter Bazinet.

Mukundan discloses substantially all the claimed limitations, except the client requests are coupled to the portal by a proxy server, or source systems communicate with each other through a firewall.

Bazinet teaches insulating the portal server via firewalls, proxy servers, etc. (col. 3: lines 58-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the portal by a proxy server or allow network communications only through a firewall in order to improve network security.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nine Layer Architecture, Aldrich et al (US 7,28,548);
Method and System for Distributing Applications, Rajie et al (US 7,096,249);
System and Method for Interactive Electronic Media Extraction for Web Page Generator;
Peel, Jr. et al (US 6,961,897);
Portal Switch for Electronic Commerce; Vittal et al (US 6,907,401);
Method and System for Database Driven, Scalable Web Page Development, Deployment-
Download, and Execution, Onyeabor (US 6,631,512);
Application Framework, Aigner et al (US 2004/0187140); and
Content Management Portal and Method for Communicating Information; Eakin (US
2004/0167896).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

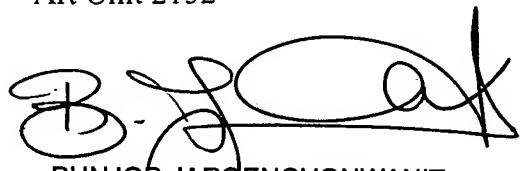
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Van Kim T. Nguyen
Examiner
Art Unit 2152

vkn


BUNJOB JARCENCHONWANIT
SUPERVISORY PATENT EXAMINER
1/18/8